

Message Text

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CINCPAC FOR POLAD

E.O. 11652: ADS DECLAS ON RELEASE OF REPORT
TAGS: PFOR, UNGA, KS
SUBJECT: REPORT TO THE UNITED NATIONS SECURITY COUNCIL

REF: STATE 210480

1. FOLLOWING IS EMBASSY DRAFT OF REPORT REQUESTED REFTEL.
THIS MESSAGE HAS BEEN CLEARED BY UNC, WHICH IS ALSO
PREPARING A MORE COMPREHENSIVE REPORT BEING TRANSMITTED
SEPARATELY, IN RESPONSE TO JCS DIRECTIVE.

I. BACKGROUND:

2. THIS REPORT IS SUBMITTED IN ACCORDANCE WITH UNITED
NATIONS SECURITY COUNCIL RESOLUTION 84 OF JULY 7, 1950,
WHICH CALLED FOR THE ESTABLISHMENT OF A UNIFIED COMMAND
UNDER THE UNITED STATES FOR UNITED NATIONS FORCES IN
KOREA AND REQUESTED THE UNITED STATES "TO PROVIDE THE
SECURITY COUNCIL WITH REPORTS, AS APPROPRIATE, ON THE
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COURSE OF ACTION TAKEN UNDER THE UNIFIED COMMAND."

THE PRESENT REPORT SUMMARIZES DEVELOPMENTS SINCE THE PERIOD COVERED BY THE LAST REPORT (U.N. DOCUMENT S/11861, 31 OCTOBER 1975), IT INCLUDES DETAILS REGARDING THE AUGUST 18 INCIDENT IN THE JOINT SECURITY AREA NEAR PANMUNJOM, AND THE CHANGES IN JSA SECURITY ARRANGEMENTS NEGOTIATED SUBSEQUENTLY.

II. ARMISTICE STRUCTURE AND PROCEDURES.

A. MILITARY ARMISTICE COMMISSION

3. THE UNITED NATIONS COMMAND HAS CONTINUED TO CONCENTRATE ITS EFFORTS ON UPHOLDING THE KOREAN ARMISTICE AGREEMENT OF JULY 27, 1953. THE PRINCIPAL INSTRUMENT FOR ENFORCEMENT OF THAT AGREEMENT IS THE MILITARY ARMISTICE COMMISSION (MAC). THE COMMISSION WAS ESTABLISHED BY THE AGREEMENT "TO SUPERVISE THE IMPLEMENTATION OF THIS ARMISTICE AGREEMENT AND TO SETTLE THROUGH NEGOTIATIONS ANY VIOLATION OF THIS ARMISTICE AGREEMENT."

4. AS DISCUSSED IN DOCUMENT S/11861, OCTOBER 31, 1975, THE COMMISSION IS COMPOSED OF TEN SENIOR MILITARY OFFICERS, FIVE FROM THE UNITED NATIONS COMMAND (INCLUDING REPRESENTATIVES OF THE UNITED STATES, THE REPUBLIC OF KOREA, AND OTHER MEMBERS OF THE UNITED NATIONS COMMAND) AND FIVE FROM THE NORTH KOREAN PEOPLE'S ARMY AND THE CHINESE PEOPLE'S VOLUNTEERS. IT IS ASSISTED BY A SECRETARIAT WHICH CONSISTS OF REPRESENTATIVES FROM EACH SIDE, WHO MEET AS NEEDED, AND BY DUTY OFFICERS FROM EACH SIDE WHO ARE IN COMMUNICATION WITH EACH OTHER DAILY. THESE CONTACTS ARE CARRIED OUT IN THE JOINT SECURITY AREA, A PORTION OF THE MAC HEADQUARTERS AREA LOCATED ASTRIDE THE MILITARY DEMARCATION LINE (MDL) IN THE CENTER OF THE DEMILITARIZED ZONE (DMZ) WHICH DIVIDES THE KOREAN PENINSULA.

B. NEUTRAL NATIONS SUPERVISORY COMMISSION (NNSC).

5. THE UNITED NATIONS COMMAND AND THE MILITARY ARMISTICE COMMISSION ALSO COOPERATE IN SUPPORT OF THE NEUTRAL NATIONS
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SUPERVISORY COMMISSION, ESTABLISHED UNDER THE ARMISTICE AGREEMENT TO SUPERVISE COMPLIANCE WITH CERTAIN ASPECTS OF THE AGREEMENT. THE NEUTRAL NATIONS SUPERVISORY COMMISSION IS COMPOSED OF REPRESENTATIVES OF CZECHOSLOVAKIA, POLAND, SWEDEN, AND SWITZERLAND. IT MEETS WEEKLY IN THE JOINT SECURITY AREA NEAR PANMUNJOM, AND REPORTS TO THE MILITARY ARMISTICE COMMISSION ON ITS ACTIVITIES, WHICH PRINCIPALLY CONCERN THE MOVEMENT OF

MILITARY PERSONNEL AND EQUIPMENT TO AND FROM KOREA.

C. ROLE OF THE REPUBLIC OF KOREA

6. THE REPUBLIC OF KOREA HAS COMPLIED WITH THE ARMISTICE AGREEMENT SINCE ITS CONCLUSION. DURING THE NEGOTIATIONS THE REPUBLIC OF KOREA GOVERNMENT GAVE ASSURANCES THAT IT WOULD ADHERE TO THE CEASE FIRE. THESE ASSURANCES WERE REITERATED BY THE UNITED NATIONS COMMAND, AND THE ARMISTICE AGREEMENT WAS SIGNED BY THE UNITED NATIONS COMMANDER ON BEHALF OF ALL FORCES PARTICIPATING IN UNITED NATIONS COMMAND, INCLUDING THOSE OF THE REPUBLIC OF KOREA. REPUBLIC OF KOREA MILITARY OFFICERS HAVE BEEN ACCREDITED TO THE ARMISTICE COMMISSION SINCE MARCH 1954, HAVE SERVED REGULARLY ON THE COMMISSION SINCE THAT TIME, AND TAKE PART IN ACTIVITIES AT THE SECRETARIES' AND LOWER LEVELS AS WELL.

III. MILITARY ARMISTICE COMMISSION ACTIVITIES.

7. MEETINGS OF THE MILITARY ARMISTICE COMMISSION ARE UTILIZED TO DISCUSS ARMISTICE VIOLATIONS, AND IN THE EVENT OF MAJOR VIOLATIONS THE UNITED NATIONS COMMAND HAS CONSISTENTLY WORKED THROUGH COMMISSION MEETINGS. SECRETARIES' MEETINGS ARE USED TO DEAL WITH ADMINISTRATIVE MATTERS, DURING THE PERIOD COVERED BY THIS REPORT (SEPTEMBER 1, 1975 - SEPTEMBER 10, 1976), THERE HAVE BEEN 16 MEETINGS OF THE COMMISSION AND 11 OF THE SECRETARIAT. THESE MEETINGS PROVIDE THE ONLY REGULAR CHANNELS FOR EXPOSITION OF FACTS AND EXCHANGES OF VIEWS CONCERNING ARRANGEMENTS ALONG THE DMZ AND DANGEROUS INCIDENTS. THEY ARE ESSENTIAL TO PREVENT POSSIBLE MISCALCULATIONS AND ESCALATION
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OF CONFLICTS. DAILY MEETINGS OF JOINT DUTY OFFICERS AND DIRECT TELEPHONE LINES BETWEEN THEIR OFFICES PERMIT IMMEDIATE COMMUNICATION BETWEEN THE TWO SIDES.

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8. THE MOST SIGNIFICANT ACHIEVEMENT OF THE COMMISSION DURING THE YEAR SINCE THE LAST REPORT WAS TO DEVISE MEASURES DESIGNED TO REDUCE THE DANGER OF VIOLENT CONFRONTATIONS IN THE ARMISTICE COMMISSION HEADQUARTERS AREA. THE DEVELOPMENT OF THESE ARRANGEMENTS FOLLOWED THE INCIDENT OF AUGUST 18 (DESCRIBED IN GREATER DETAIL BELOW) IN WHICH TWO UNITED NATIONS OFFICERS WERE MURDERED BY NORTH KOREAN SOLDIERS WHILE SUPERVISING THE PRUNING OF A TREE, IN THE UNC SECTOR OF THE JOINT SECURITY AREA. THIS NEW ARRANGEMENT AND THE NEGOTIATIONS LEADING TO IT PLAYED A CRUCIAL ROLE IN DEFUSING THE DANGEROUS SITUATION THAT FOLLOWED THE AUGUST 18 MURDERS.

IV. DEVELOPMENTS OF THE PAST YEAR

9. SINCE THE PERIOD COVERED BY THE LAST REPORT OF THE UNITED NATIONS COMMAND, (ENDING AUGUST 31, 1975), THE UNITED NATIONS COMMAND HAS UNDERTAKEN VARIOUS POSITIVE
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ACTIONS TO INSURE THAT THE OBJECTIVES OF THE ARMISTICE AGREEMENT ARE MET. IN ADDITION TO THE EXTENSIVE EFFORTS MADE FOLLOWING THE AUGUST 18 INCIDENT, THESE ACTIONS HAVE INCLUDED THE FOLLOWING:

(A) ON JANUARY 22, 1976, DURING THE 370TH MEETING OF THE

MILITARY ARMISTICE COMMISSION, THE UNITED NATIONS COMMAND UNILATERALLY DISARMED 50 PERCENT OF THE UNITED NATIONS COMMAND GUARDS IN THE COMMISSIONER'S HEADQUARTERS IN THE AREA. THIS WAS DONE IN THE HOPE OF ACHIEVING MUTUAL PROGRESS IN REDUCING TENSIONS IN THE AREA. NO RESPONSE WAS RECEIVED, HOWEVER, AND IN MAY 1976 THE FULL AUTHORIZED COMPLEMENT OF 35 ARMED PERSONNEL WAS RESTORED. THESE PERSONNEL CONTINUED TO BE UNDER STRICT ORDERS TO AVOID CONTACT OR CONFLICT WITH THE OTHER SIDE AND TO REFRAIN FROM USING THEIR WEAPONS EXCEPT WHEN NECESSARY TO PROTECT THEMSELVES AGAINST ARMED ATTACK. (THE RESTRAINT DISPLAYED BY UNC PERSONNEL ON AUGUST 18, IN ACCORDANCE WITH THESE ORDERS, WAS A KEY FACTOR IN PREVENTING MORE SERIOUS ESCALATION OF THAT INCIDENT.)

(B) ON THE SAME DATE, JANUARY 22, THE UNITED NATIONS COMMAND CALLED FOR A MAJOR EFFORT FOR INSPECTION OF THE DEMILITARIZED ZONE TO INVESTIGATE, VERIFY, AND ELIMINATE ANY VIOLATIONS THAT MAY HAVE OCCURRED.

(C) THE UNITED NATIONS COMMAND HAS REPEATEDLY CALLED FOR THE CONVENING OF JOINT OBSERVER TEAMS TO INVESTIGATE VIOLATIONS CHARGED BY BOTH SIDES. THE UNC HAS REPEATED THIS PROPOSAL 67 TIMES SINCE THE LAST SUCH TEAM MET IN APRIL 1967, INCLUDING MEETINGS ON APRIL 3 AND AUGUST 6, 1976. (THE FIRST JOINT OBSERVER TEAM TO MEET SINCE 1967 CONVENED IN THE JOINT SECURITY AREA ON SEPTEMBER 7, 1976, TO ASSIST IN IMPLEMENTATION OF THE NEW JSA AGREEMENT.)

(D) IN THE ABSENCE OF A FAVORABLE RESPONSE TO PROPOSALS FOR THE USE OF JOINT OBSERVER TEAMS, THE UNITED NATIONS COMMAND HAS UNILATERALLY INVESTIGATED ALL CHARGES OF ARMISTICE VIOLATIONS PRESENTED BY THE OTHER SIDE,
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INSOFAR AS THOSE CHARGES HAVE BEEN SUFFICIENTLY SPECIFIC TO PERMIT INVESTIGATION. OVER 27,000 SUCH CHARGES HAVE BEEN INVESTIGATED (ALTHOUGH SOME WERE NOT PRESENTED UNTIL 40 DAYS AFTER THE ALLEGED OCCURRENCE) AND RESPONSES HAVE BEEN MADE IN THE ARMISTICE COMMISSION MEETINGS. THE UNITED NATIONS COMMAND HAS, IN THE PAST, ACKNOWLEDGED VIOLATIONS ON 98 OCCASIONS (MOST RECENTLY WHEN A REPUBLIC OF KOREA HELICOPTER CRASHED IN THE DMZ IN JULY 1975); HOWEVER, NONE OF THE CHARGES PRESENTED BY THE OTHER SIDE DURING THE PAST YEAR HAS BEEN CONFIRMED.

V. VIOLATIONS OF THE AGREEMENT AND DANGEROUS INCIDENTS

10. DURING THE PAST YEAR, IN THE ARMISTICE COMMISSION, THE UNC HAS REPORTED 8,663 VIOLATIONS OF THE AGREEMENT COMMITTED BY THE NORTH. THE MORE SERIOUS OF THESE VIOLATIONS HAVE INCLUDED THE FOLLOWING:

A) THE DISCOVERY OF THREE ARMED INTRUDERS IN THE AREA IMMEDIATELY SOUTH OF THE DEMILITARIZED ZONE DURING THE PERIOD JUNE 19-21. THE INTRUDERS WERE KILLED AFTER FIRING ON REPUBLIC OF KOREA PERSONNEL WHO ATTEMPTED TO APPREHEND THEM, AND THEY WERE FOUND TO BE CARRYING AK-47 RIFLES, CAMERAS, MAPS, AND EQUIPMENT CLEARLY MARKED AS ORIGINATING IN NORTH KOREA.

B) FIRING OF AUTOMATIC WEAPONS AND RECOILLESS RIFLES CAUSING DAMAGE TO A UNITED NATIONS COMMAND POSITION, ON AUGUST 5, 1976.

C) ON SEVERAL OCCASIONS DURING THE YEAR, IN THE ARMISTICE COMMISSION HEADQUARTERS AREA NORTH KOREAN PERSONNEL, IN CONTRAVENTION OF THE AGREEMENT, HAVE INTERFERED WITH THE MOVEMENT OF UNITED NATIONS COMMAND PERSONNEL AND ON ONE OCCASION (JUNE 26, 1976) INJURED THE DRIVER OF A UNITED NATIONS COMMAND VEHICLE IN THE HEADQUARTERS AREA.

VI. THE AUGUST 18 INCIDENT AND SUBSEQUENT ARRANGEMENTS

11. THE MOST SERIOUS VIOLATION EVER TO OCCUR IN THE
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ARMISTICE COMMISSION'S JOINT SECURITY AREA TOOK PLACE ON AUGUST 18 WHEN THIRTY NORTH KOREAN GUARDS ATTACHED A GROUP OF TEN UNITED NATIONS COMMAND SECURITY GUARDS WHO WERE ACCOMPANYING A PEACEFUL WORK PARTY. THE WORKERS WERE TRIMMING A TREE (ON THE UNC SIDE OF THE MILITARY DEMARCATION LINE IN THE JOINT SECURITY AREA), WHICH OBSTRUCTED THE VIEW BETWEEN TWO UNC OBSERVATION POSTS. THIS TYPE OF ROUTINE MAINTENANCE OPERATION HAD BEEN EFFECTED OFTEN. EARLIER PLANS TO REMOVE THE TREE HAD BEEN CHANGED AFTER NORTH KOREAN PERSONNEL OBJECTED.

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12. ALTHOUGH THEY INITIALLY INDICATED APPROVAL OF THE WORK THE NORTH KOREAN GUARDS LATER DEMANDED THAT WORK BE STOPPED. THE UNC COMMANDER ON THE SCENE DIRECTED THAT IT CONTINUE SINCE IT HAD NOT BEEN COMPLETED. AT THIS POINT THE NORTH KOREANS SUMMONED REINFORCEMENTS AND, AFTER THEIR ARRIVAL, ATTACKED THE UNC GUARDS, SINGLING OUT THE TWO UNITED STATES ARMY OFFICERS PRESENT. THESE TWO OFFICERS, ONE OF WHOM WAS UNARMED, WERE BEATEN TO DEATH WITH CLUBS, AX HANDLES AND THE BLUNT HEADS OF AXES. SEVEN OTHER MEMBERS OF THE UN COMMAND GUARD PARTY WERE INJURED AS THEY ATTEMPTED TO BREAK OFF CONTACT WITH THE NORTH KOREAN SOLDIERS AND WITHDRAW WITH THEIR OFFICERS FROM THE AREA OF THE ATTACK.

13. THE UNC IMMEDIATELY CALLED A MEETING OF THE MILITARY ARMISTICE COMMISSION, WHICH WAS HELD ON AUGUST 19. ON THAT OCCASION THE UNC PROTESTED IN THE STRONGEST TERMS THE MURDER OF THE TWO OFFICERS AND DEMANDED ASSURANCES THAT SUCH AN INCIDENT WOULD NOT RECUR. ON AUGUST 21
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THE UNC REMOVED THE TREE, AS WELL AS TWO BARRIERS THAT HAD BEEN ERECTED ILLEGALLY BY THE NORTH KOREAN SIDE IN 1966 IN THE UNC PART OF THE JSA. LATER

THAT DAY THE COMMANDER OF THE NORTH KOREAN PEOPLE'S ARMY, THROUGH A MEETING OF THE SENIOR MEMBERS OF THE MILITARY ARMISTICE COMMISSION, CONVEYED AN EXPRESSION OF REGRET CONCERNING THE INCIDENT, BUT PROVIDED NO ASSURANCES REGARDING PUNISHMENT OF THOSE RESPONSIBLE, NOR REGARDING THE PREVENTION OF FURTHER INCIDENTS.

14. IN A SUBSEQUENT MEETING OF THE COMMISSION CALLED BY THE UNC TO REITERATE ITS INSISTENCE ON THESE MEASURES, DISCUSSION WAS INITIATED FOR NEW SECURITY ARRANGEMENTS IN THE JOINT SECURITY AREA. APPARENTLY EXPANDING ON ELEMENTS OF A 1970 UNC PROPOSAL, WHICH THEY HAD PREVIOUSLY IGNORED, THE KPA/CPV SIDE SUGGESTED STEPS TO KEEP MILITARY PERSONNEL ON THEIR RESPECTIVE SIDES OF THE DMZ. ARRANGEMENTS FOR THIS AND RELATED MEASURES WERE SUBSEQUENTLY NEGOTIATED BY THE SECRETARIES OF THE MILITARY ARMISTICE COMMISSION, AND WERE AGREED TO ON SEPTEMBER 6, 1976, WITH THE APPROVAL OF THE TWO SENIOR MEMBERS OF THE MILITARY ARMISTICE COMMISSION. THE AGREEMENT CONSTITUTES A "SUPPLEMENT TO THE AGREEMENT ON THE MILITARY ARMISTICE HEADQUARTERS AREA, ITS SECURITY AND ITS CONSTRUCTION" CONCLUDED ON OCTOBER 19, 1953. IT PROVIDES THAT:

(A) MILITARY PERSONNEL, EXCEPT FOR PERSONNEL OF THE MILITARY ARMISTICE COMMISSION, JOINT OBSERVER TEAMS, AND THE NEUTRAL NATIONS SUPERVISORY COMMISSION SHALL REMAIN ON THEIR RESPECTIVE SIDES OF THE MILITARY DEMARCATION LINE (MDL) IN THE JSA (EXCEPT IN THE BUILDINGS BUILT ON THE MDL ITSELF), UNLESS AUTHORIZED BY THE OTHER SIDE TO CROSS THE LINE FOR A PARTICULAR PURPOSE.

(B) NON-MILITARY PERSONNEL SHALL RETAIN FREEDOM OF MOVEMENT WITHIN THE JSA, PROVIDED THEY CROSS THE MDL AT THE DESIGNATED AREA OF THE CONFERENCE SIDE TO PERMIT THEIR PROPER IDENTIFICATION;
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(C) EACH SIDE SHALL REMOVE ITS GUARD POSTS FROM THE OTHER SIDE OF THE MDL (IN PRACTICE, THIS APPLIED ONLY TO THE NORTH KOREAN SIDE, WHICH MAINTAINED FOUR GUARD POSTS ON THE UNC SIDE; THE UNC HAD NO GUARD POSTS ON THE NORTH KOREAN SIDE).

(D) MILITARY AND NON-MILITARY PERSONNEL IN THE JSA SHALL BE PROHIBITED FROM MAKING "CONTACTS INFRINGING UPON EACH OTHER'S SAFETY."

(E) THE AGREEMENT WAS TO ENTER INTO FORCE ON SEPTEMBER 17, TO PERMIT TIME FOR THE MARKING OF THE MDL IN ACCORDANCE WITH THE AGREEMENT, AND FOR REMOVAL OF THE NORTH KOREAN GUARD POSTS.

VI. CONCLUSION:

15. AS THIS REPORT INDICATES, THE ARMISTICE AGREEMENT AND THE MILITARY ARMISTICE COMMISSION HAVE CONTINUED TO OPERATE DESPITE THE TENSION AND HOSTILITY EXISTING ALONG THE MILITARY DEMARCATION LINE. THE COMMISSION SERVES AN INVALUABLE PURPOSE IN MAKING IT POSSIBLE TO UPHOLD THE ARMISTICE AGREEMENT, IN DEMONSTRATING THE CONTINUED COMMITMENT OF THE COMMAND AND ITS PARTICIPATING FORCES TO THE ARMISTICE AGREEMENT, AND IN FACILITATING DIRECT COMMUNICATIONS BETWEEN THE TWO SIDES. TWICE IN THE PAST YEAR, MOST RECENTLY IN U.S. SECRETARY OF STATE KISSINGER'S SPEECH OF JULY 22, 1976, THE UNITED STATES HAS URGED A MEETING OF THE MAJOR INTERESTED PARTIES -- SOUTH KOREA, NORTH KOREA, THE PEOPLE'S REPUBLIC OF CHINA, AND THE UNITED STATES -- TO SEEK A NEW LEGAL STRUCTURE THAT MIGHT REPLACE THE ARMISTICE AGREEMENT. THIS PROPOSAL IS STILL OPEN. HOWEVER, UNTIL AGREEMENT IS REACHED ON SUCH A SUCCESSOR ARRANGEMENT, IT IS ESSENTIAL THAT THE ARMISTICE AGREEMENT REMAIN IN EFFECT. THE UNITED NATIONS COMMAND WILL CONTINUE TO WORK FOR THE AGREEMENT'S IMPLEMENTATION, TO PREVENT THE RESUMPTION OF HOSTILITIES ON THE KOREAN PENINSULA.

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